OWYHEE COUNTY RESOLUTION NO. 2014-18

(Resolution to schedule a public hearing for Amendment of Owyhee County Ordinance No. 07-06, relating to Owyhee County Building Codes and Regulations, and Rescinding and Replacing Owyhee County Resolution No. 2014-14)

WHEREAS, Idaho Code §31-706 provides that a majority of a three (3) person Board of County Commissioners ("Board") constitutes a quorum of such Board; and

WHEREAS, Idaho Code §31-709 provides that the Board shall keep and maintain records of regular meetings; and

WHEREAS, the Board has jurisdiction and authority, pursuant to Idaho Code §31-801 over county business matters within the limitations and restrictions of governing law; and

WHEREAS, the Board, pursuant to Idaho Code §31-802 has the authority to supervise the official conduct of all county officers in the undertaking of county matters; and

WHEREAS, Idaho Code §31-807 further authorizes the Board of County Commissioners to "control any personal property belonging to the county;" and

WHEREAS, the Board under Idaho Code §31-828 has the duty to "perform all other acts and things required by law..., or which may be necessary to the full discharge of the duty" of such office; and

WHEREAS, it is necessary that certain changes be made to Owyhee County Ordinance No. 07-06, relating to Owyhee County Building Codes and regulations. Such anticipated changes are identified in red in the related Draft Owyhee County Ordinance, affixed hereto, as ATTACHMENT No. 1; and

WHEREAS, Idaho Code §31-715 requires that county ordinances of a general nature and changes to county ordinances be made following a public hearing and that such take effect "within one (1) month after they are passed." Such ordinances are to be "published in at least one (1) issue of a newspaper" generated within the county; and

WHEREAS, Idaho Code §31-715A contemplates that a summary of the ordinance as amended be approved by the board of county commissioners, with the full text of the ordinance being made available upon request of the public; and
IT IS RESOLVED that a public hearing be scheduled for May 12, 2014 at 10:00 am (MDT) in Owyhee County Courtroom Number 2 to address the intended amendments to Owyhee County Ordinance No. 07-06, relating to Owyhee County Building Codes and regulations and directing that notice of such public hearing be published in the April 23 and April 30, 2014 issues of official publication newspaper of the County, The Owyhee County Avalanche, Homedale, ID in advance of such hearing.

IT IS FURTHER RESOLVED that such notice of the public hearing, with summary of the intended amendments of Owyhee County Ordinance No. 07-06, be set forth in the same Owyhee County Avalanche, Homedale, ID publications and that the full text of the ordinance be made available to members of the public, upon request at the Office of the Owyhee County Clerk, Owyhee County Courthouse, Murphy, Idaho.

Effective the date of signing, this 14th day April, 2014.

OWYHEE COUNTY BOARD OF COMMISSIONERS

Joe Merrick — Chairman

Jerry Hoagland — Commissioner

Kelly Aberasturi — Commissioner

OWYHEE COUNTY CLERK

Attest: Angela Barkell

Dated: 4-14-14

(Resolution to schedule a public hearing for Amendment of Owyhee County Ordinance No. 07-06, relating to Owyhee County Building Codes and Regulations, and Rescinding and Replacing Owyhee County Ordinance No. 2014-14)
DRAFT
OWYHEE COUNTY
ORDINANCE NO.__________

AN ORDINANCE OF OWYHEE COUNTY, IDAHO, AMENDING TITLE 7, CHAPTER 1, BUILDING CODES AND REGULATIONS; ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE AND INTERNATIONAL EXISTING BUILDING CODE BOARD, TOGETHER WITH ANY AMENDMENTS OR REVISIONS TO THE INTERNATIONAL BUILDING CODE MADE BY THE IDAHO BUILDING CODE BOARD THROUGH THE NEGOTIATED RULEMAKING PROCESS, AND PROVIDING AMENDMENTS THERETO; AND PROVIDING AN EFFECTIVE DATE.

IT IS ORDIANNED by the Owyhee County Board of County Commissioners as follows:

SECTION 1 TITLE: This ordinance shall be known and cited as Owyhee County’s Adoption of the 2012 International Building Codes.

SECTION 2 STRUCTURE: Titles and subtitles of this ordinance are only used for organization and structure and the language in each paragraph of this ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3 PURPOSE: The purpose of this ordinance is to amend Title 7, Chapter 1, Building Codes and Regulations, of the Owyhee County Code of Ordinances.

SECTION 4 AUTHORITY: This ordinance amending Title 7, Chapter 1, Building Codes and Regulations, of the Owyhee County Code of Ordinances is enacted pursuant to the authority conferred by Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 39-4166, 31-714, 31-801, and 31-828.

SECTION 5: This ordinance amending Title 7, Chapter 1, Building Codes and Regulations, is hereby amended as follows:
Chapter 1
BUILDING CODES AND REGULATIONS

7-1-1: CODES ADOPTED:
7-1-2: SUPERSEDED BY SUCCESSIVE VERSIONS OF CODES:
7-1-3: DUTY OF BUILDING OFFICIAL:
7-1-4: EXCEPTIONS:
7-1-5: AMENDMENTS TO ADOPTED CODES:
7-1-6: PERMIT FEES:
7-1-7: APPEAL:
7-1-8: VIOLATIONS:

7-1-1: CODES ADOPTED: 

The following nationally recognized codes are adopted as the official building codes of the county of Owyhee:

A. International Building Code: The international building code, 2009-2012 edition, prepared by the International Code Council, Inc., as adopted by the state of Idaho or the Idaho building code board, together with any amendments or revisions to the international building code made by the Idaho building code board through the negotiated rulemaking process, is adopted. (Ord. 10-04, 12-28-2010, eff. 1-1-2011)

B. International Residential Code: The international residential code, except parts five and six, 2009 edition, prepared by the International Code Council, Inc., as adopted by the state of Idaho or the Idaho building code board, together with any amendments or revisions to the international building code made by the Idaho building code board through the negotiated rulemaking process, is adopted. (Ord. 10-04, 12-28-2010, eff. 1-1-2011; amd. Ord. 12-01, 11-26-2012, eff. 11-26-2012)

C. International Energy Conservation Code: The international energy conservation code, 2009 edition, prepared by the International Code Council, Inc., together with any amendments or revisions to the international energy conservation code made by the Idaho building code board through the negotiated rulemaking process, is adopted. (Ord. 13-01, 7-15-2013)

D. International Mechanical Code: (Rep. by Ord. 12-01, 11-26-2012, eff. 11-26-2012)
E. International Fuel Gas Code: The international fuel gas code, 2009 edition, prepared by the International Code Council, Inc., together with any amendments or revisions to the international fuel gas code made by the Idaho building code board through the negotiated rulemaking process, is adopted.

F. Idaho Manufactured Home Installation Standards: The Idaho manufactured home installation standards, 2004 edition, prepared by the state of Idaho, together with any amendments or revisions to the Idaho manufactured home installation standards made by the Idaho building code board through the negotiated rulemaking process, is adopted. (Ord. 10-04, 12-28-2010, eff. 1-1-2011)

G. Mechanical Building Inspections: The applicable standards and provisions governing mechanical building inspections in Owyhee County and those to be enforced in Owyhee County shall be those presently adopted, in operation and used by the state of Idaho building services bureau, and as may be adopted and amended in the future. (Ord. 12-01, 11-26-2012, eff. 11-26-2012)

7-1-2: SUPERSEDED BY SUCCESSIVE VERSIONS OF CODES:

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the state of Idaho building code board, such successive versions to become law of the county on the effective date set for the successive versions by the state of Idaho building code board, unless the board of county commissioners specifically provides otherwise. (Ord. 07-06, 12-3-2007)

7-1-3: DUTY OF BUILDING OFFICIAL:

The building official of the county, named by the board of county commissioners, shall have the duty of enforcing the county building code, and shall have the further duty of advising the commissioners when a successive version of any of the codes adopted in section 7-1-1 of this chapter is adopted and made effective by the state of Idaho building code board. (Ord. 07-06, 12-3-2007)

7-1-4: EXCEPTIONS:

A. Agricultural Building Defined: An "agricultural building" is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products where said structure is situated on land which shall consist of at least a single parcel of land five (5) or more acres in size, exclusive of any public right of way. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, packaged or sold, nor shall it be a place used by the public.

B. Exempted: As set forth in Idaho Code, agricultural buildings shall be exempt from the requirements of the building code adopted herein but shall remain subject to placement requirements established by zoning regulations. (Ord. 07-06, 12-3-2007)
7-1-5: AMENDMENTS TO ADOPTED CODES:

The following sections of the foregoing adopted codes are amended as stated herein.

A. International building code section 101.4.1, "Electrical", is deleted and repealed in its entirety.

B A. International building code section 101.4.4 101.4.3, "Plumbing", is deleted and repealed in its entirety.

C B. International building code section 103.2 and international residential code section R103.2, "Appointment", is deleted and repealed in its entirety.

D C. International building code section 103.3, "Deputies", delete last sentence.

E D. International building code, section 105.1.1, "Annual permit", is deleted and repealed in its entirety.

F E. International building code section 105.1.2, "Annual permit records" is deleted and repealed in its entirety.

G F. International building code section 105.2, and international residential code section R105.2: "Work exempt from a permit" Building 1 to amend as follows: "Change floor area from one hundred twenty (120) square feet to two hundred (200) square feet."

H G. International building code section 105.5 and international residential code section R105.5, "Expiration", add a second paragraph:

If work has not been completed, the final inspection performed and the project approved for occupancy or use within two (2) years from the date of such permit being issued, that Owyhee County permit shall expire by limitation and become null and void. Prior to work recommencing after the permit has expired, a new permit shall be obtained. The cost of that permit, if obtained within one year of the original permit expiration, shall be one-half ($1/2) of the cost of a new permit for the remaining work required to complete the structure or project.
I.H. International building code section 106.4 107.1, "Submittal Documents" delete the first two (2) sentences and replace with the following:

Construction documents, special inspection and structural observation programs, and any other data including deferred submittals, shall be submitted in two (2) sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of an Idaho registered architect or Idaho registered engineer and are required to be stamped or sealed with that Idaho registered design professional's stamp or seal.

J. I. International building code section 108.4 109.4 is amended to read as follows:

Work commencing before permit issuance. Any person, who commences any work on a building or structure before obtaining the necessary permit shall be subject to an investigation fee in the amount established by the building official up to quadruple of the permit fee. Investigation fees shall be in addition to the required permit fee.

K.J. International building code section 108.6 109.6, and international residential code section R108.5. "Refunds", is amended to read as follows:

The building official may authorize refunding of not more than eighty percent (80%) of the building permit fee paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding of any fee paid except on written application filed by the original permit applicant not later than one hundred eighty (180) days after the date of fee payment. Eighty percent (80%) of the plan review fee shall be available for refund if no plan review has begun. Plan review deposit: Once the building plans have been reviewed by the building department, the plan review deposit is not refundable.

L. K. International building code section 411.4 112.1 and international residential code section R111.1, "Connection to service utilities", add a second paragraph to read as follows:

A final inspection and approval is required upon completion and prior to occupancy and use of all buildings and structures. Lack of building official approval may result in the termination of utility services to said building or structure and prosecution under international building code section 443.3 114.3.

M. L. International building code section 1608.1, "General", is amended to read as follows:

Design snow loads shall be determined in accordance with section 7 of ASCE 7-98, but the design roof load shall not be less than a uniform snow load of twenty five (25) psf below six thousand feet (6,000') and thirty five (35) psf above six thousand feet (6,000'). The minimum roof snow load for Owyhee County shall be twenty five (25) pounds per square foot.
N.M. International building code section 1608.2, "Ground snow loads", is amended to read as follows:

The ground snow load to be used in determining the design snow loads for Owyhee County shall be twenty (20) psf.

O. International building code section 1906.4, "Location For Force Transfer", is amended as follows:

Construction joints shall be made and located as not to impair the strength of the structure. Provision shall be made for the transfer of shear and other forces through constructive joints. Construction joints shall have vertical reinforcement of at least one #4 bar at not more than four feet (4') on center. The vertical bar shall extend to three inches (3") clear of the bottom of the footing and extend a minimum of fourteen inches (14") into the stem wall to tie footing and stem wall together.

P.N. International building code section 3408.1 amend the section to add a second paragraph as follows:

Any building or structure, excluding manufactured homes moved into or within Owyhee County, shall be inspected by a state of Idaho licensed/registered architect or engineer. This inspection shall be followed by a report bearing the stamp/seal of the licensed/registered architect/engineer accompanying the Owyhee County building permit application. The report shall contain the following information:

1. Identifies the particular building.

2. States that the licensed/registered architect/engineer does not find any structural condition indicating a deficiency that would preclude the continued use of the building.

3. States that the roof cover meets the requirements of the 2006 2012 IBC, chapter 15.

4. If the building is a dwelling, provide an energy code analysis of the specific dwelling showing that the dwelling meets the requirements of the 2006 2009 international energy conservation code. If the dwelling does not comply with the 2006 2009 international energy conservation code, a plan shall be submitted for the modifications needed to attain that compliance.

5. This report shall be accompanied by an Idaho licensed/registered architect/engineer foundation design for that specific building.

Q.O. Climatic and geographic design criteria, section R301.2, "Climatic And Geographic Design Criteria", Table R301.2(1) shall be changed to read as follows:

<table>
<thead>
<tr>
<th>TABLE R301.2(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</td>
</tr>
<tr>
<td>Ground Snow Load</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>20 psf</td>
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<tr>
<td>Roof snow load below 6,000 feet 25 psf</td>
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<tr>
<td>Above 6,000 feet 35 psf</td>
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<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Ice Shield Underlayment (i)</th>
<th>Flood Hazards (h)</th>
<th>Air Freezing Index (j)</th>
<th>Mean Annual Temp (k)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not required</td>
<td>FIRM maps as currently adopted</td>
<td>980</td>
<td>51° F</td>
</tr>
</tbody>
</table>

1. For S1: 1 pound per square foot = 0.0479 kN/m², 1 mile per hour = 1.609 km/h.

2. Language explaining the letters (a) through (k), inclusively, found in the above table, is included with the table in the international residential code and is incorporated by reference as if fully written herein.

R.P. International residential code, section R309.1, is amended to include:

Fire rated doors shall have self-closing devices.

S.Q. International residential code, section R309.2 is amended to read as follows:

The garage shall be separated from the residence and its attic area by not less than 5/8 inch,
type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all rooms above by not less than \( \frac{5}{8} \) inch, type X gypsum or equivalent where the separation is a floor ceiling assembly. The structure supporting the separation shall also be protected by not less than \( \frac{5}{8} \) inch, type X gypsum board or equivalent.

**R.R.** International residential code, section R403.1.3.1 is amended to read as follows:

Foundations with stem walls shall have installed a minimum of one no. 4 bar within 12 inches of the top of the wall and one no. 4 bar located 3 inches to 4 inches from the bottom of the footing. Typical garage fronts shall be reinforced as specified in conditions 1.17-22, 1.22-27 and 1.32-48. (Ord. 07-06, 12-3-2007)

**7-1-6: PERMIT FEES:**

A. Fee Schedule Established: Fees to enforce this chapter shall be established by resolution of the board of county commissioners (board). The board shall establish a permit fee schedule, which schedule shall reflect the fees which are to be charged by the official responsible for charging those fees. The fee schedule shall be kept on file in the office of the county clerk and in the office of the building inspector or building official and shall be made available to the public upon request. Said fee schedule shall be reviewed regularly as required by law. The building official, the building inspector or a designee shall charge permit fees in accordance with the schedule created by a resolution of the board.

B. Agricultural Buildings: A fee may be imposed for an agricultural building to ensure that any said building is in compliance with setback and easement restrictions. The fee for any such agricultural building shall be equivalent to the minimum fee established for building permits and adopted by resolution of the board. (Ord. 07-06, 12-3-2007)

**7-1-7: APPEAL:**

A. Right Of Appeal: Any determination or ruling by the building official, his agents or assigns may be subject to appeal by an aggrieved party.

B. Notice: Notice of such appeal shall be given to the building official within fifteen (15) days of the decision, determination, or ruling that is the subject of said appeal. The building official shall create a form for notice of appeal.

C. Hearing By Planning And Zoning Board: Any said appeal shall be heard first by the county planning and zoning board under the hearing procedure rules set forth by that board.
D. Appeal From Decision Of Planning And Zoning Board: A determination by the planning and zoning board on a matter arising from the rules or law of this chapter may be appealed to the board of county commissioners in the same manner. (Ord. 07-06, 12-3-2007)

7-1-8: VIOLATIONS: ☀️ 🌡️

A. Misdemeanor: Any violation of this chapter shall be a misdemeanor punishable in accordance with the law of the state of Idaho.

B. Nuisance Or Abatement Procedures Applicable: Any building or other structure which is erected in violation of this chapter or in violation of the codes adopted in section 7-1-1 of this chapter, in addition to subjecting any owner, firm, corporation or authorized agent to misdemeanor penalties, shall be subject to nuisance or abatement procedures, which may be brought by any county official, any member of the zoning commission, the planning and zoning administrator, the building official, or any other person.

C. Costs Of Action: In the event that any abatement procedure is successfully brought, the person building said structure or the owner of that property upon which the structure was wrongfully erected shall pay all court costs and attorney fees for the prosecution of that action. (Ord. 07-06, 12-3-2007)